

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

OTU A. OBOT,

Plaintiff,

v.

ORDER
13-CV-656

SALLIE MAE,

Defendant.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. §636(b)(1)(B). Defendant filed a motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to allege sufficient facts to state a plausible cause of action. (Dkt. No. 6) On December 23, 2013, Magistrate Judge Schroeder issued a Report, Recommendation and Order recommending that defendant's motion to dismiss be granted.

Plaintiff filed objections to the Report, Recommendation and Order on January 10, 2014. (Dkt. No. 19) Defendant filed a response (Dkt. No. 20), plaintiff filed a reply (Dkt. No. 23), and the Court deemed the matter submitted without oral argument.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which

objections have been made. Upon *de novo* review, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report, Recommendation and Order.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report, Recommendation and Order, defendant's motion to dismiss the complaint is granted.

The Clerk of the Court is instructed to close the case.

SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

Dated: March 12, 2014